THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19432 OF 2005

DATED: 02.09.2005

Between:

Sri N.Ramu.

... PETITIONER

AND

The Secretary, Regional Transport Authority, Hyderabad and another

... RESPONDENTS

ORDER:

The Bus of the petitioner bearing No.AP/9W-8696 was seized on 09.08.2005, on the ground that the vehicle was plying as express stage carriage by violating permit condition and by carrying individual passengers at different stages by collecting individual fares. The petitioner challenges the seizure.

Heard, Sri L.Prabhakar Reddy, learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 09.08.2005, issued by the 2nd respondent, discloses that the vehicle was plying as express stage carriage by violating permit condition and that it was carrying individual passengers, who boarded the vehicle at different stages by collecting individual fares. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the Bus, bearing NO.AP/9W-8696, shall be released to the petitioner on his depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only)

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required.

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02.09.2005

Jsu